

MOSER  
PATTERSON &  
SHERIDAN, LLP

ATTORNEYS AT LAW

RECEIVED  
CENTRAL FAX CENTER  
3040 Post Oak Blvd, Suite 1500  
Houston, TX 77056-6582  
SEP 08 2005  
TEL 713.623.4844  
FAX 713.623.4846  
WWW.MPSLLP.COM

## FACSIMILE COVER SHEET

**DATE:** September 8, 2005  
**FILE NO:** ROC920010087US1  
**TO:** Examiner Van Nguyen  
**FAX NO:** 571-273-8300  
**COMPANY:** USPTO  
**FROM:** Randol Read  
**PAGE(S) with cover:** 2  
**ORIGINAL TO FOLLOW?**  YES  NO

### TERMINAL DISCLAIMER

**U.S. SERIAL NO.:** 09/819,188  
**FILING DATE:** March 28, 2001  
**INVENTOR:** Gooding  
**EXAMINER:** V. Nguyen  
**GROUP ART UNIT:** 2194  
**CONFIRMATION NO.:** 2894

### CONFIDENTIALITY NOTE

The document accompanying this facsimile transmission contains information from the law firm of Moser, Patterson & Sheridan, L.L.P. which is confidential or privileged. The information is intended to be for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the contents of this faxed information is prohibited. If you have received this facsimile in error, please notify us by telephone immediately so that we can arrange for the retrieval of the original documents at no cost to you.

284306\_1

SEP 08 2005

PTO/SB/25 (09-04)

Approved for use through 07/31/2008. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TERMINAL DISCLAIMER TO OBLIGATE A PROVISIONAL DOUBLE PATENTING REJECTION OVER A PENDING "REFERENCE" APPLICATION		Docket Number (Optional) ROC920010087US1
--	--	---

In re Application of: Gooding

Application No. 09/819,188

Filed: March 28, 2001

For: Method for Transmitting Function Parameters to a Remote Node for Execution of the Function Thereon

The owner\*, **International Business Machines Corporation**, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending reference Application Number 09/819,782, filed on 28 March 2001, as such term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the reference application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on said reference application, "as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application," in the event that any such patent granted on the pending reference application expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Check either box 1 or 2 below, if appropriate.

1.  For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2.  The undersigned is an attorney of record. Reg. No. 43,876



08-08-2005

Signature

Date

Randol W. Read

Typed or printed name

(713) 623-4844

Telephone Number

The Commissioner is authorized to charge deposit account 09-0465 for the terminal disclaimer fee (\$130) due under 37 CFR 1.20(d).

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

\*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).  
Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

394910\_1